

Clerk stamps below when form is filed.

FILED
 LOS ANGELES SUPERIOR COURT
 JUN 11 2004
 JOHN A. GLARKE, CLERK
R. Williams
 BY R. WILLIAMS, DEPUTY

1 Your name (person asking for protection): Kacey Bythorway
 Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):
 [Redacted]
 City: LA State: CA Zip: [Redacted]
 Your phone # (optional): [Redacted]
 Your lawyer (if you have one): (Name, address, phone #, and State Bar #):

Court name and street address:
**Superior Court of California, County of
 LOS ANGELES SUPERIOR COURT
 FAMILY LAW - DEPT. 8
 111 N. HILL STREET
 LOS ANGELES, CA 90012**

Case Number:
BQ09088

2 Name of person you want protection from (restrained person): Jose Maria DeCastro (aka:Chille)
 Describe that person: Sex: M F Ht.: 5'9" Wt.: 180
 Race: White & hispanic Hair Color: brown
 Eye Color: green Age: 29 Date of Birth: 9/11/74

3 Besides you, who needs protection? (Family or household members)

Full Name	Age	Lives with you?	How are they related to you?
<u>Eric Alan Montoya</u>	<u>28</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>fiancee</u>
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if you need more space. Attach a sheet of paper and write "DV-100, Item 3 — Protected People" at the top.

4 What is your relationship to the person in 2? (Check all that apply)

- a. We are now married.
- b. We used to be married.
- c. We live together.
- d. We used to live together.
- e. We are relatives, in-laws, or related by adoption (specify relationship): _____
- f. We are dating or used to date.
- g. We are engaged to be married or were engaged to be married.
- h. We are the parents together of a child or children under 18:
 Child's Name: _____ Date of Birth: _____
 Child's Name: _____ Date of Birth: _____
 Child's Name: _____ Date of Birth: _____
 Check here if you need more space. Attach a sheet of paper and write "DV-100, Item 4b" at the top.
- i. We have signed a Voluntary Declaration of Paternity for our child or children. Attach a copy if you have one.

This is not a Court Order.

Case Number: _____

Your name: _____

5 Other Court Cases

- a. Have you and the person in ② been involved in another court case? No Yes
 If yes, where? County: _____ State: _____
 What are the case numbers? (If you know) _____
 What kind of case? (Check all that apply)
 Divorce/Dissolution Parentage/Paternity Legal Separation Domestic Violence Criminal
 Juvenile Child Support Nullity Civil Harassment
 Other (specify): _____
- b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?
 No Yes *If yes, attach a copy if you have one.*

What orders do you want? Check the boxes that apply to your case .

6 Personal Conduct Orders

- I ask the court to order the person in ② not to do the following things to me or any of the people listed in ③:
- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
 - b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail

7 Stay-Away Order

- I ask the court to order the person in ② to stay at least 100 yards away from: (Check all that apply)
- a. Me
 - b. The people listed in ③
 - c. My home
 - d. My job or workplace
 - e. The children's school or child care
 - f. My car
 - g. Other (specify): Equinox Gym on Sunset Blvd.
- If the person listed in ② is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, church or temple? Yes No (If no, explain): _____

8 Move-Out Order

I ask the court to order the person in ② to move out from and not return to (address): _____

I have the right to live at the above address because (explain): _____

9 Child Custody, Visitation, and Child Support

I ask the court to order child custody, visitation, and/or child support. *You must fill out and attach Form DV-105.*

This is not a Court Order.



Your name: _____

What orders do you want? Check the boxes that apply to your case .**10** **Record Unlawful Communications**

I ask for the right to record communications made to me by the person in ② that violate the judge's orders.

11 **Property Control**I ask the court to give *only* me temporary use, possession, and control of the property we own or are buying, listed here: _____**12** **Debt Payment**

I ask the court to order the person in ② to make these payments while the order is in effect:

 Check here if you need more space. Attach Form MC-020 or a sheet of paper and write "DV-100, Item 12 — Debt Payment" at the top.

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

13 **Property Restraint**

I am married to the person in ②. I ask the judge to order that he or she not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the restrained person to notify me of any new or big expenses and to explain them to the court.

14 **Attorney Fees and Costs**

I ask that the person in ② pay some or all of my attorney fees and costs.

*You must complete and file Form FL-150, Income and Expense Declaration.***15** **Payments for Costs and Services**

I ask that the person in ② pay the following:

You can ask for lost earnings or your costs for services caused directly by the person in ② (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

16 **Batterer Intervention Program**

I ask the court to order the person listed in ② to go to a 52-week batterer intervention program and show proof of completion to the court.

17 **No Fee to Notify Restrained Person**

I ask that law enforcement notify the person in ② about the orders for free.

This is not a Court Order.

Case Number: _____

Your name: _____

What orders do you want? Check the boxes that apply to your case .

18 **More Time for Notice**
I need extra time to notify the person in **2** about these papers. Because of the facts explained on this form, I want the papers served up to _____ days before the date of the hearing. *For help, read DV-210.*
If necessary, add additional facts: _____

19 **Other Orders**
What other orders are you asking for? _____
 Check here if you need more space. Attach a sheet of paper and write "DV-100, Item 19 — Other Orders" at the top.

20 **Turn in Guns or Other Firearms**
I ask the judge to order the person in **2** to sell or turn in any guns or firearms that he or she has or controls. Describe any use or threatened use of firearms in **21**.

21 **Describe the most recent abuse.**

a. Date of most recent abuse: 6/10/04

b. Who was there? Eric Montoya

c. What did the person in **2** do or say that made you afraid?
He threatened me and my fiancée by saying that he is going to Columbia and is going to pay a Columbian \$1000 to come back to USA and kill us and/or break our legs.

d. Describe any use or threatened use of guns or other weapons: _____

e. Describe any injuries: Emotional distress

f. Did the police come? No Yes
If yes, did they give you an Emergency Protective Order? Yes No I don't know
Attach a copy if you have one.

g. Describe previous abuse: Jose is on probation and constantly threatens us that when he is off probation he is going to harm us when we least expect it.

Check here if you need more space. Use Form DV-101 or MC-020. Or attach a sheet of paper and write "DV-100, Item 21 — Abuse" at the top.

22 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 6/11/04

Kacey Bythenway
Type or print your name

Kacey Bythenway
Sign your name

This is not a Court Order.

This form is attached to DV-100, Item 21.

1 Your name: Kacey Bytheway

2 Name of person you want protection from (restrained person): Jose M. DeCastro

3 Describe the 2nd most recent abuse.

a. Date of 2nd most recent abuse: Feb. 2004

b. Who was there? Eric Montoya, me, Tammy [redacted], Rebecca [redacted] & her boyfriend Jeff

c. What did the person in 2 do or say to you that made you afraid?
Jose was on my balcony watching my friends and I for about 20 minutes before we noticed he was there. He threw a lighter at the door and scared us all. Then he ran from the back balcony to the door of my apt. and tried to get me to come outside. Jose climbed a wall to get to my balcony. He was yelling threatening profanity outside and threatening to "kick all of our asses" when we left. He attempted to open a second balcony door on the bedroom balcony (there are 2 balconies) where Eric was asleep in the bed. The curtains were open so Jose saw Eric asleep in the bed and tried to get into the room.

d. Describe any use or threatened use of guns or other weapons.

e. Describe any injuries. Emotional Distress

f. Did the police come? No Yes

If yes, did they give you an Emergency Protective Order? Yes No I don't know

Attach a copy if you have one.

Your name: _____

4 Describe other recent abuse.

a. Date of other recent abuse: Jan. 2004

b. Who was there? Eric Montoya

c. What did the person in **2** do or say to you that made you afraid? _____

Jose pounded on front door of my apt so hard that he cracked my door. The crack is still on my door. When he realized I wouldn't let him in he went to the balcony and broke down four sheets of plexiglass that were encasing my balcony (b/c I had cats) in order to get in. He attempted to open the balcony door and was not successful. He was threatening to kill us both and threatening to do things to our cars. Then he tried to calmly talk Eric into coming outside to talk.

d. Describe any use or threatened use of guns or other weapons. _____

e. Describe any injuries. Bruises on hip and leg from trying to hold door closed from his kicking.

f. Did the police come? No Yes

If yes, did they give you an Emergency Protective Order? Yes No I don't know

Attach a copy if you have one.

5 Describe other abuse against you or your children.

Jose broke into my apt. in Oct. 2003 through the balcony door, came inside and threw me into a wall, choke me, hit me, kicked me, spit on me in my face, and assaulted Eric Montoya. He punched Eric and threw him into a wall. Jose was yelling the entire time threatening to kill me and Eric. Jose also destroyed some of my personal

If you need more space, check the box and attach Form MC-020. Or attach a sheet of paper and write

"DV-101 — Description of Abuse" at the top.

property and destroyed sentimental items. He kicked a hole in my bedroom door at this time.

He stayed in my parking garage all night waiting for us to come